

REMARKS

Claims 1-14 are in this application. In the Office Action of June 26, 2000, the Examiner rejects claims 1-14. Applicants amend claims 1,2,6,8, and 11. No new matter has been added by way of the present amendment. Applicants respectfully request that the Examiner's rejections be withdrawn and the claims be allowed.

Claim Rejections – 35 USC § 112

The Examiner objects to the term "glare condition". Applicants respectfully disagree. A glare condition is clearly defined in the specification on page 4, lines 3-5, page 11, lines 10-13 and page 11 lines 15-24. However, to clarify any ambiguity and assist the Examiner in reviewing the application, the specification has been amended and the term "glare condition" has been edited from the claims.

The Examiner rejected claims 1-14 under 35 U.S.C § 112, first paragraph, as allegedly containing subject matter not sufficiently described in the specification. Accordingly, claims 1,2,6,8, and 11 have been amended to more specifically describe the subject matter contained in the specification. Applicants have amended independent claims 1,6, and 11 by replacing the term "glare condition" with the term "condition whereby a mobile subscriber attempts to originate a call while another party is attempting to call the same mobile subscriber", as specifically supported in the specification at least on page 4, lines 3-5 and page 11, lines 10-13. Applicants have amended dependent claims 2 and 8 to delete the term "glare". Therefore, Applicants respectfully request withdrawal of the §112 rejections of claims 1,6, and 11, and dependent claims 2-5, 7-10, 12-14.

Claim Rejections – 35 USC § 102

The Examiner rejects claims 1-3, 6, 8, 9, and 11-13 under 35 U.S.C. 102(e) as being anticipated by Spartz et al. (U.S. patent No. 5,878,036). The Examiner states that “as shown in Fig. 6, the MSC transmits a paging signal 300 (a message signal) to the BSS when detecting a subscriber unit [a mobile station] is being paged **after** another call ends. (emphasis added)” Spartz et al. does not address the condition whereby a mobile subscriber attempts to originate a call **while** another party is attempting to call the same mobile subscriber. Applicants address a mobile subscriber that attempts to initiate a call at the same time another party is attempting to call the mobile subscriber. Applicants address a concurrent condition, that is, a situation in which a mobile subscriber is trying to dial out at the same time an incoming call occurs. Spartz et al. concerns a consecutive condition in which a mobile station ends a call and then the mobile station is paged.

The concurrent features of the Applicants’ claims are not disclosed by the consecutive features of Spartz et al. Therefore, claims 1-3, 6, 8, 9 and 11-13 are not anticipated by Spartz et al.

The Examiner states in Response to Arguments, “Regarding claims 1-3, 6, 8, 9, and 11-13, the applicant states that Spartz et al. fails to disclose a glare condition. The examiner disagrees with the applicant because the glare condition is rejected as indicated at the paragraph 5 of previous office action which mailed 2/18/99. Because the term glare condition reads on another call end in the broader term.” The term “glare condition” has been deleted from the Applicants’ claims, which now include the term “a condition whereby a mobile subscriber attempts to originate a call while another party is attempting to call the same mobile subscriber”. Applicants’ claims do not read on the term “glare condition” or another call end in the broader term.

Applicants respectfully request withdrawal of the rejection of claims 1-3, 6, 8, 9 and 11-13 under 35 U.S.C. 102(e).

Claim Rejections – 35 USC § 103

Claims 4, 5, 7, 10 and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Spartz, et al. in view of Baldwin, et al. Claims 4 and 5 depend on the base claim 1; claims 7, 10 and 14 depend on the base claim 6; and claim 14 depends on the base claim 11. Applicants forward the same arguments as made above with respect to Spartz et al. As such, Applicants respectfully request withdrawal of the rejection of claims 4, 5, 7, 10 and 14 under 35 U.S.C. 103(a).

REQUEST FOR ALLOWANCE

In view of the foregoing, reconsideration and allowance of this application are earnestly solicited.

RECEIVED
SEP 20 2000
TC 2700 MAIL ROOM

Respectfully submitted,

Dated: 12 September, 2000

By: Maryanne DeAngelo
Maryanne DeAngelo
Agent for Applicants
Registration No. P-47,288

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 651-2384
Facsimile: (858) 845-1254